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**OFFICE OF PETITIONS**

In re Application of	:	
Michael J. BERMAN	:	
Application No. 09/553,140	:	ON PETITION
Filed: April 20, 2000	:	
Attorney Docket No. 99-230	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 14, 2008.

The petition is **GRANTED**.

The record shows that a Decision by the Board was mailed on October 31, 2007, which set a two (2) month shortened statutory period for reply. Accordingly, a reply was due on or before December 31, 2007. The application became abandoned on January 1, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of \$1540; and (3) the required statement of unintentional delay.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application. If the person signing the petition desires to receive future correspondence regarding this application, the appropriate power of attorney document must be

submitted. While a courtesy copy of this decision is being mailed to the person signing the petition, all future correspondence will be directed to the address currently of record until appropriate instructions are received.

Inquiries concerning this decision may be directed to Diane Goodwyn at (571) 272-6735.

This application is being referred to Technology Center AU 2624 for further action as the nature of the case may require.

A handwritten signature in black ink, appearing to read "Thurman Page", is written over the printed name.

Thurman Page  
Petitions Examiner  
Office of Petitions

cc: JAMES D. WOOD  
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